

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AUGUSTUS H. EVANS, JR.,	§	
	§	No. 121, 2016
Defendant Below,	§	
Appellant,	§	Court Below—Superior Court of the
	§	State of Delaware
v.	§	
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: March 29, 2016

Decided: April 1, 2016

ORDER

This 1st day of April 2016, it appears to the Court that:

(1) On March 11, 2016, the appellant, Augustus H. Evans, Jr., filed the above-captioned appeal from the Superior Court’s order dated March 2, 2016, in Cr. A. No. 0609011528A. By Order dated December 1, 2015, this Court enjoined Evans from filing anything further related to Cr. A. No. 0609011528A unless the filing was accompanied by the Court’s filing fee or a motion to proceed *in forma pauperis* in compliance with 10 *Del. C.* § 8803(e), and the motion was granted by the Court.¹

¹ *Evans v. State*, 2015 WL 7758307, at *2 (Del. Dec. 1, 2015).

(2) When filing this appeal on March 11, 2016, Evans did not submit the filing fee or a motion to proceed *in forma pauperis* in compliance with 10 *Del. C.* § 8803, as required. For that reason, on March 11, 2016, the Clerk issued a notice directing Evans to show cause why the appeal should not be dismissed.²

(3) Evans has not responded to the notice to show cause within the required ten-day period and has not paid the filing fee or filed the *in forma pauperis* motion. Under these circumstances, dismissal of the appeal is deemed to be unopposed.³

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b)(2) and 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura
Justice

² Del. Supr. Ct. R. 29(b).

³ R. 3(b)(2).